

Dec 27, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TRINIDAD R.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:19-CV-5052-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On December 18, 2019, the parties filed a Stipulated Motion for Remand. ECF No. 19. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Trinidad R.'s application for supplemental security income payments under Title XVI of the Social Security Act. As part of this de novo hearing on remand, the ALJ is to

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

reevaluate step three, with particular attention to whether Plaintiff meets the requirements of Listing 12.05, reconsider Dr. Donna Veraldi's opinion, reevaluate Plaintiff's symptom reports, and, as necessary, reassess Plaintiff's residual functional capacity and step five. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.
2. Judgment shall be entered for **Plaintiff**.
3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct a de novo hearing, including reevaluating step three (with particular attention to Listing 12.05), reconsidering the medical evidence (including Dr. Veraldi's opinion), reevaluating Plaintiff's symptom reports, and, as necessary, reassessing Plaintiff's residual functional capacity and step five, and then issue a new decision as to Plaintiff's application.
4. All pending motions are **DENIED AS MOOT**.
5. All hearings and other deadlines are **STRICKEN**.

1 6. If filed, the Court will consider Plaintiff's motion for fees and
2 expenses under the Equal Access to Justice Act.

3 7. The Clerk's Office is directed to **CLOSE** this file.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.
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7 **DATED** this 27th day of December 2019.

8 s/Edward F. Shea
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10 EDWARD F. SHEA
11 Senior United States District Judge
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